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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

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6 U.S. BANK NATIONAL ASSOCIATION, AS  
7 TRUSTEE FOR THE BANK OF AMERICA  
8 FUNDING 2006-D TRUST,

9 Plaintiff,

10 vs.

11 1727 N LAMONT TRUST; LA MONTANA  
HOMEOWNERS ASSOCIATION,

12 Defendants.

2:16-cv-00442-JAD-VCF

**ORDER**

13  
14 Before the court is the Motion to Withdraw as Counsel of Record for Alessi & Koenig, LLC (ECF  
15 No. 49). Loizzi states that Alessi & Koenig, LLC dissolved in April 2016 and filed for Chapter 7  
16 Bankruptcy on December 12, 2016. Alessi & Koenig no longer has funds to pay for representation. After  
17 Alessi & Koenig dissolved, Loizzi states that it did not request or sign new retainers with him or his firm  
18 HOA Lawyers Group, LLC. *Id* at 3. Loizzi states that the filing of bankruptcy by Alessi & Koenig had  
19 the effect of discharging him from representation. *Id* at 4.

20 **Discussion:**

21 Under Local Rule 7-2(d), [t]he failure of an opposing party to file points and authorities in response  
22 to any motion shall constitute a consent to the granting of the motion. Here, no opposition has been filed  
23 and the time to oppose has passed.

24 Pursuant to Local Rule IA 11-6(b), “[n]o attorney may withdraw after appearing in a case except  
25 by leave of court after notice has been served on the affected client and opposing counsel.” “Except for

1 good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any  
2 hearing in the case would result.” LR IA 11-6(e). Here, based on counsel’s representation, it appears that  
3 Alessi & Koenig, through the bankruptcy trustee and her attorney, does not intend to participate further in  
4 this case. *See* ECF No. 49 at 20-21 (correspondence related to other cases instructing that “defaults may  
5 be taken”). To the extent that is not true, a notice so indicating must be filed within 14 days. Otherwise,  
6 the parties may seek appropriate relief regarding Alessi & Koenig’s non-participation once the court lifts  
7 the stay currently in place, the Court permits counsel to withdraw. LR IA 11-6(e).

8 28 U.S.C. § 1654 provides that “[i]n all courts of the United States the parties may plead and  
9 conduct their own cases personally.” *See C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th  
10 Cir. 1987). Although individuals may represent themselves pursuant to this statute, a corporation is not  
11 permitted to appear in Federal Court unless it is represented by counsel. *U.S. v. High Country*  
12 *Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). An individual also does not have the right to  
13 appear on behalf of anyone other than himself. *Pope*, 818 F.2d at 697. The Ninth Circuit has permitted  
14 motions to strike and motions to dismiss pleadings filed by pro se parties on behalf of entities including  
15 trusts. *Id.* at 698; *United States v. Nagy*, C11-5066BHS, 2011 WL 3502488 (W.D. Wash. Aug. 10, 2011).  
16 Alessi & Koenig may not proceed *pro se*, as corporations must be represented by counsel.

17 Accordingly, and for good cause shown,

18 IT IS HEREBY ORDERED that the Motion to Withdraw as Counsel of Record for Alessi &  
19 Koenig, LLC (ECF No. 49) is GRANTED.

20 IT IS FURTHER ORDERED that Mr. Loizzi must mail a copy of this order to Alessi & Koenig,  
21 LLC.

22 IT IS FURTHER ORDERED that Alessi & Koenig must file a notice of appearance of counsel on  
23 or before October 26, 2018.

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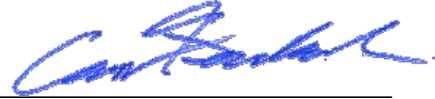
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1 The Clerk of Court is directed to mail a copy of this Order to the following address:

2 Alessi & Koenig, LLC  
3 9500 W. Flamingo Road, Ste. 205  
4 Las Vegas, Nevada 89147

5 IT IS SO ORDERED.

6 DATED this 5th day of October, 2018.



7 CAM FERENBACH  
8 UNITED STATES MAGISTRATE JUDGE  
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